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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 SHAWN HAWK,

No. CIV S-04-0731-MCE-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 ALAMEIDA, et al.,

15 Defendants.  
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17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant  
18 to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to  
19 Eastern District of California local rules.

20 On April 18, 2007, the magistrate judge filed findings and recommendations  
21 herein which were served on the parties and which contained notice that any objections to the  
22 findings and recommendations were to be filed within 20 days. Timely objections to the findings  
23 and recommendations have been filed.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
25 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
26 file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed April 18, 2007, are adopted in  
4 full;

5 2. Defendants' motion to dismiss is granted in part and denied in part;

6 3. Defendant Runnels is dismissed from the action;


7 4. Plaintiff's free exercise claim is dismissed with prejudice;

8 5. Plaintiff's retaliation claim is dismissed without prejudice;

9 6. Plaintiff's equal protection claim is dismissed with leave to amend; and

10 7. Within 30 days of the date of this order, plaintiff shall file a fourth  
11 amended complaint consistent with the scope outlined in the April 18, 2007, findings and  
12 recommendations.

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14 Dated: May 24, 2007

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16 MORRISON C. ENGLAND, JR.  
17 UNITED STATES DISTRICT JUDGE  
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